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Filing date: **04/28/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91189375
Party	Defendant Saeilo Enterprises, Inc.
Correspondence Address	Darren S. Cahr Drinker Biddle & Reath LLP 191 North Wacker Drive, Suite 3700 Chicago, IL 60606 UNITED STATES ipdocketchicago@dbr.com
Submission	Motion to Dismiss 2.132
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 77/559,090
Trademark: THOMPSON
Published: January 20, 2009

PHILADELPHIA)	
ORDNANCE, INC.)	
)	
Opposer,)	
v.)	Opposition No. 91189375
)	
SAEILO ENTERPRISES, INC.,)	
)	
Applicant.)	

MOTION FOR JUDGMENT UNDER 37 CFR § 2.132(a)

Pursuant to 37 CFR § 2.132(a), Saeilo Enterprises, Inc. (“Saeilo”), Applicant in the above-referenced proceeding, without waiving its right to offer evidence if this motion is denied, respectfully requests that the Board dismiss with prejudice the subject opposition proceeding (the “Opposition”) on the grounds of Opposer’s failure to prosecute.

Applicant requests that the Board grant this motion because Opposer has failed to conduct any discovery or take any testimony in the Opposition on or before April 26, 2010, the close of Opposer’s Trial Period. Furthermore, despite numerous attempts by Applicant, Opposer has been nonresponsive and has failed to do *anything* in this proceeding. Saeilo’s counsel has made several attempts to contact Opposer, but Opposer has not even conducted the initial discovery conference. Opposer has similarly failed to provide its initial disclosures. Despite Opposer’s complete failure to prosecute this Opposition, Saeilo has provided Opposer with Saeilo’s initial disclosures.

The fact of Opposer’s failure to take any action during the discovery and testimony

periods, coupled with its failure to even conduct the initial discovery conference, is more than sufficient to warrant the Board's granting the instant motion. *See Hewlett-Packard Co. v. Olympus Corp.*, 18 U.S.P.Q.2d 1710 (Fed. Cir. 1991) (finding that carelessness, inattention or willful disregard of process will not excuse failure to act during testimony period).

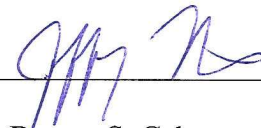
For the foregoing reasons, Applicant respectfully requests that the Board grant this motion for judgment and that the Opposition be dismissed with prejudice. While it considers this motion, Saeilo further requests that the dates currently set as the schedule in this Opposition be stayed.

Respectfully submitted,

SAEILO ENTERPRISES, INC.

Dated: April 28, 2010

By: _____



Darren S. Cahr

Jeffrey T. Baravetto

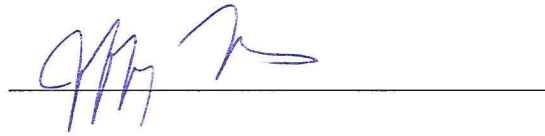
DRINKER BIDDLE & REATH LLP

Attorneys for Saeilo Enterprises, Inc.

CERTIFICATE OF SERVICE

The undersigned attorney certifies that a copy of the foregoing MOTION FOR JUDGMENT UNDER 37 C.F.R. § 2.132(a) was served on Opposer this 28th day of April, 2010, by depositing a copy thereof in the United States Mail, First Class, postage prepaid, addressed to:

Robert Bower, Jr.
Philadelphia Ordnance, Inc.
222 Roesch Ave
Oreland, PA 19075



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